

MS#300222.01 (MSPT 4969.1)
PATENT**REMARKS**

Applicant has thoroughly considered the Examiner's remarks. The application has been amended to more clearly set forth the invention. Claims 1-48 are presented in the application for further examination. Claims 1, 3, 4, 12, 21, 23, 26, 43, and 44 have been amended by this Amendment A. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

To help illustrate the differences of the claimed invention over the references applied by the Examiner, Applicant points out that the claimed features of the Applicant's invention include obtaining consent when access is not permitted to user-specific data. In contrast, the cited references disclose an alert only when user-specific data has been accessed. None of the cited references discloses any communication with the user when the user-specific data has not been accessed (i.e. when access is not permitted to the user-specific data). Thus, the cited references, as described hereinafter, do no operate and do not disclose to operate in a manner corresponding to the Applicant's claimed invention.

Response to Rejection Based on 35 USC 102(e)

Claims 1-12, 18, 20-23, 25-30, and 32-42 stand rejected as being anticipated by O'Flaherty et al., U.S. Pat. No. 6,253,203 ("O'Flaherty reference"). However, "a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently as described in a single prior art reference." Schering Corp. v. Geneva Pharmaceuticals, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicant respectfully submits that each and every element as set forth in amended claim 1 is not found, either expressly or inherently in the O'Flaherty et al., patent.

Applicant submits that amended claim 1 distinguishes over the O'Flaherty reference. The O'Flaherty reference discloses "a system and method for enforcing privacy constraints on a database management system" (Col. 1, lines 31-34) by using "at least one data control column for storing data control information reflecting at least one consumer privacy parameter." (Col. 3, lines 2-5) "Whenever a data requesting entity

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desires access to data in the extended database, a request is made to the database management system interface which controls access to the data within the database tables in accordance with privacy parameters. Using a dataview ... in accordance with the requesting entity's status ... extended database table is accessed, and the data is provided." (Col. 11, lines 27-36) "Virtually all access to the data stored in the extended database is provided *solely* through the dataview suite. Thus, business applications and third party applications have access *only* to such data as permitted by the database view provided." (Col. 4, lines 30-34, emphasis added) Thus, O'Flaherty does not disclose or permit a method or system to negotiate access, if a privacy parameter is not specified by the user. An alert can be triggered "when the customer's personal information is read from the extended database, is written to the extended database, if the opt-out delimiters stored in the extended database are changed, or when a table or dataview is accessed." (Col. 5, lines 50-54) Applicant notes that all of the events capable of triggering an alert in the system of the O'Flaherty reference occur when access to the data has been granted.

In contrast, amended claim 1 in the present invention discloses a method that attempts to negotiate access to the user-specific data when the request is not authorized. In particular, claim 1 has been amended to recite, in part, "determining if the client has consent to access one of the plurality of items of user-specific information required by the client to complete the task request" and then "selectively obtaining consent, from a party having authority to grant access to the client, for the client to access the one of the plurality of items of user-specific information if the client lacks consent as a function of said determining." This is significantly different from the O'Flaherty reference because the O'Flaherty reference fails to disclose a method to obtain consent when the client lacks consent to items of user-specific information. **The O'Flaherty reference does not disclose or permit a method of communicating between the party requesting access and a party having authority to grant access when the parameters indicate that the requesting party lacked access.**

Further, amended claim 1 in the present invention discloses a method that works in connection with plurality of services offered by a web-services provider. Specifically, claim 1 recites, in part, "a method of managing access by a client to user-specific information maintained in connection with a plurality of services." Applicant's patent

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application illustrates an example of a web-services provider having a service "to purchase event tickets" (page 61, line 20) and a "calendar service" (page 61, line 28). This is significantly different from O'Flaherty because the O'Flaherty reference does not disclose a plurality of services offered by a web-services provider. The Examiner states that a plurality of services is inherent to the data view suite. "In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art." MPEP § 2112(IV) (citing Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)). Because the Examiner did not provide a basis in fact and/or technical reasoning to support that plurality of services necessarily flows from a data view suite, Applicant asserts that claim 1 is patentable over the cited references. Furthermore, even if a plurality of services were inherent in the data view suite, Applicant submits that the O'Flaherty reference would not disclose a method that works in connection with a plurality of services offered by a web services provider.

For at least the reasons discussed, Applicant respectfully submits that amended claim 1 is patentable over the O'Flaherty reference. Dependent claims 3 and 12 have been amended to reflect the amendments made to claim 1. Applicant respectfully submits that dependent claims 2-20 are patentable for at least the same reasons as independent claim 1.

Claim 21 has been amended to recite, in part, a method "selectively obtaining consent if consent does not currently exist to allow the client to access the first item of user-specific information as a function of said determining." The method works in connection with "a first service and a second service." Accordingly, for at least the reasons discussed in conjunction with claim 1, Applicant respectfully submits that amended claim 21 is patentable over the O'Flaherty reference. Dependent claim 23 has been amended to reflect the amendments made to claim 21. Applicant respectfully submits that dependent claims 22-25 are patentable for at least the same reasons as independent claim 1.

Claim 26 has been amended to recite, in part, a method "selectively obtaining consent if the client lacks consent required to complete one of the plurality of access requests." The method works in connection with "a web-services provider providing a

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plurality of services." Accordingly, for at least the reasons discussed in conjunction with claim 1, Applicant respectfully submits that amended claim 26 is patentable over the O'Flaherty reference. Additionally, Applicant respectfully submits that dependent claims 27-33 are patentable for at least the same reasons as independent claim 1.

Claim 34 recites, in part, "a consent management system for controlling an update of the access control list, said consent management system initiating a consent transaction with a party having authority to grant consent to update the access control list when the access control list indicates that consent does not exist to allow the client to access the item of user-specific information." Accordingly, for at least the reasons discussed in conjunction with claim 1, Applicant respectfully submits that amended claim 34 is patentable over the O'Flaherty reference. Applicant respectfully submits that dependent claims 35-38 are patentable for at least the same reasons as independent claim 1.

Claim 39 recites, in part, "a consent management-system being selectively invoked by the client if the client lacks consent to access the first item of user-specific information, said consent management system identifying a party with authority to grant consent to the client to access the first item of user-specific information and initiating a consent request transaction with the party with authority to grant consent to the client to access the first item of user-specific information, said consent request transaction inviting the party with authority to grant consent to allow the client to access the first item of user-specific information. The system also comprises "a web-services provider providing a first service *and* a second service." Accordingly, for at least the reasons discussed in conjunction with claim 1, Applicant respectfully submits that amended claim 34 is patentable over the O'Flaherty reference. Applicant respectfully submits that dependent claims 40-42 are patentable for at least the same reasons as independent claim 1.

Response to Rejection Based on 35 USC 103

Claims 13-15, 19, and 43-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the O'Flaherty reference in view of Wong et al., U.S. Pat. Appl. No. 2001/0042126 ("Wong reference").

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Applicant notes that under § 103(c)(1) the Wong reference may not be used as §103(a) prior art against the present application because the present application and the Wong reference were, at the time the invention of the present application was made, owned by Microsoft Corporation, Redmond, Washington (US). The Wong reference issued as U.S. Patent No. 6,839,735 and is assigned to Microsoft Corporation. The present application is also assigned to Microsoft Corporation per an Assignment recorded at reel 012664, frame 0114. Thus, Applicant respectfully requests that the rejection of claims 13-15, 19, and 43-48 under §103(a) be removed.

SUMMARY AND CONCLUDING REMARKS

For at least the reasons noted above, Applicant submits that independent claims 1, 21, 26, 34, 39 and 43 are allowable over the cited art. The dependent claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicant may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicant's agreement therewith.

The Applicant wishes to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

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The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,



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